IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 761 of 1987
with
CIVIL APPLICATION No 6320 of 2000

For Approval and Signature:

HON'BLE MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MAHMUDBHAI H MANSURI

Versus

JAFAR HUSSAIN A MANSURI

Appearance:
1. Civil Revision Application No. 761 of 1987
MR ZAFRULLA M PATHAN for Petitioner No. 1
MR AC GANDHI for Respondent No. 1
..... for Respondent No. 2-7

CORAM : HON'BLE MR.JUSTICE K.M.MEHTA

Date of decision: 14/10/2004

ORAL JUDGEMENT

1. Mahmudbhai Hasanbhai Mansuri, petitioner original

appellant - defendant No.2, has filed this Civil Revision Application against the judgment and order dated 16th October, 1986, passed by the Appellate Bench of Small Causes Court, Ahmedabad, in Civil Appeal No.290 of 1980. The Appellate Bench of the Small Causes Court was pleased to dismiss the appeal and direct the appellants-defendants are given time upto 31.8.1987 to vacate the suit premises till then the respondents-plaintiffs shall not execute the eviction decree.

2. It may be noted that the Appellate Bench of the Small Causes Court has confirmed the judgment and decree dated 25th April, 1980, passed by the learned Judge, Small Causes Court, Ahmedabad, in H.R.P.Suit No.828 of 1976 filed by original plaintiffs Jaffer Hussein Allarakhbhai Mansuri.

3. Today the matter reached hearing before this Court. Mr.Jafrullahkhan Pathan, learned advocate is appearing on behalf of petitioner - original appellant-defendant No.2, and Mr.Akkad, learned advocate is appearing on behalf of respondents.

4. Both the learned advocates has produced an agreement signed by both the parties in which it has been stated that they have settled the matter out of Court and a suit property has been sold for Rs.75,000/- (Rupees Seventy Five Thousand only) by which tenant Hasanbhai Mahmudbhai Mansuri paid Rs.25,000/- + Rs.40,000/-, in all Rs.65,000/- in cash, and remaining Rs.10,000/- to be paid after executing the documents. All other tax, remaining rent and expense of litigation are to be borne by tenant - Hasanbhai Mahmudbhai Mansuri. He has also produced a xerox copy of the receipt of Rs.25,000/- and Rs.40,000/which has been given by Ibrahim Allarakhabhai Mansuri, Sabbir Allarakhabhai Mansuri and Kulsum Allarakhabhai Mansuri, acknowledging the fact that they have received Rs.25,000/- + Rs.40,000 = Rs.65,000/- on 24th April, 2004. The consent terms have been duly signed by Ibrahim Allarakhabhai Mansuri, Sabbir Allarakhabhai Mansuri, Kulsum Allarakhabhai Mansuri as well as Hasanbhai Mahmudbhai Mansuri. The parties have signed in presence of two witnesses. The same is signed on 11th October, 2004, which has been produced today before this Court.

5. In view of this settlement, the learned advocate appearing on behalf of the defendant-tenant desires to withdraw this Civil Revision Application. Permission is accordingly granted. This Civil Revision Application is

disposed of as withdrawn. Rule is discharged with no order as to costs.

6. Leaned advocate for the petitioner states that in case of difficulty liberty may be given to the petitioner so that he can revive the petition. The same can be revived by filing a simple note in this behalf.

7. In view of the same, the Civil Application is also disposed of with no order as to costs.

(K.M. Mehta, J.)

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